

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

GILEAD SCIENCES, INC., et al.,	:	
	:	
Plaintiffs,	:	Case No. 21-cv-4106 (AMD) (RER)
	:	
v.	:	
	:	
SAFE CHAIN SOLUTIONS, LLC, et al.,	:	
	:	
Defendants.	:	

**ORDER REGARDING
MEDIATION OF CLAIMS AGAINST THE SCRIPTS DEFENDANTS**

WHEREAS, on June 15, 2021, the Court ordered Defendants Steven Diamantstein, Scripts Wholesale Inc., and NER250 LLC d/b/a Scripts Wholesale (collectively, the “Scripts Defendants”) and Plaintiffs to discuss a potential mediation;

WHEREAS, the Scripts Defendants and Plaintiffs have agreed to a private mediation to occur on September 14 and 15, 2022 in New York City;

WHEREAS, the Scripts Defendants have sought coverage with respect to Plaintiffs’ claims from one of their insurance providers, namely VGM Insurance Services, Inc. and State National Insurance Company (together, “State National”), which have not agreed to provide a defense to the Scripts Defendants; and

WHEREAS, the parties assert, and the Court agrees, that the attendance of representatives of Gilead, the Scripts Defendants, State National are necessary for the mediation to be productive;

NOW THEREFORE, upon the stipulation and agreement by and between the undersigned counsel for Plaintiffs and counsel for the Scripts Defendants, and upon due consideration by this Court, it is hereby ORDERED that:

1. Plaintiffs, the Scripts Defendants, and State National shall attend and participate in a private mediation session regarding Plaintiffs' claims against the Scripts Defendants.

2. The mediation shall occur before private mediator Mark Buckstein, Esq. of Professional Dispute Resolutions, Inc. on September 14 and 15, 2022 at the offices of Patterson Belknap Webb & Tyler LLC, 1133 Avenue of the Americas, New York, NY 10036.

3. In addition to counsel, the mediation sessions occurring on September 14, 2022 shall be attended in person by at least Mr. Diamanstein on behalf of the Scripts Defendants at least one duly authorized representative with full settlement authority for State National.

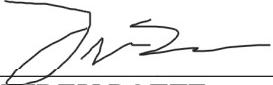
4. In addition to counsel, the mediation sessions occurring on September 15, 2022 shall be attended in person by at least Mr. Diamanstein on behalf of the Scripts Defendants at least one duly authorized representative with full settlement authority from Plaintiffs and from State National.

5. Plaintiffs shall pay a total of one-half of the mediator's fees.

6. Signatures transmitted electronically or by facsimile shall be deemed original.

Dated: August 1, 2022

Respectfully submitted,

 _____ GEOFFREY POTTER ARON FISCHER TIMOTHY A. WATERS PATTERSON BELKNAP WEBB & TYLER LLP 1133 Avenue of the Americas New York, NY 10036-6710 Tel: (212) 336-2000 Fax: (212) 336-2222 gpotter@pbwt.com afischer@pbwt.com twaters@pbwt.com <i>Attorneys for Plaintiffs Gilead Sciences, Inc. and Gilead Sciences Ireland UC</i>	 _____ RICHARD SCHURIN STEVEN STERN STERN & SCHURIN LLP 595 Stewart Avenue, Suite 510 Garden City, NY 11530 Tel: (516) 248-0300 rschurin@sternschurin.com sstern@sternschurin.com <i>Counsel for Defendants Scripts Wholesale Inc., NER250 LLC d/b/a Scripts Wholesale, and Steven Diamantstein</i>
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SO ORDERED

Hon. Ramon E. Reyes, Jr.